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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/646,565	05/08/96	ZIMMERMAN	T 6783

LM51/0325

EXAMINER

SAX, S

ART UNIT

PAPER NUMBER

2773

DATE MAILED: 03/25/98

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SECTION LAW DEPARTMENT  
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Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No.	08 646565	Applicant(s)	Zimmerman et al
Examiner	Sax	Group Art Unit	2773

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- Responsive to communication(s) filed on 5/8/96.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- Claim(s) 1-9 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 1-9 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

### Attachment(s)

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of References Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

## Office Action Summary

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## **DETAILED ACTION**

1. This application has been examined.
2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Kosarew (5619416).
4. Regarding claim 1, Kosarew shows a method of managing electronic price label (EPL) overlay data. See the abstract. The method makes a change to an EPL data file and marks it (column 2 lines 63-68 and column 3 lines 1-10), records a command to print an overlay (column 3 lines 55-68, column 4 lines 17-25), reads the EPL data file for the marked change (column 4 lines 30-55 and column 5 lines 53-65), and creates a print file for printing an overlay containing the change (column 4 lines 37-57 and column 6 lines 17-52).

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5. Regarding claim 2, in addition to the aforementioned, the method copies price look up (PLU) descriptions from a PLU file to a PLU descriptions file. (Note the discussion in column 3 regarding the price information from the tag being transmitted to a separate unique record number file to update and correlate the product descriptiuon, especially in lines 35-55). Changes are made to the PLU file, a command is recorded to print an overlay as before, the PLU descriptions file and the PLU file are compared to determine a change (column 3 lines 35-55, column 5 lines 52-65 and note the updating of price and product information that compares the files for changes), and creates a print file as before.

6. Regarding claim 3, in addition to the aforementioned, the method operates multiple times to compare and update information to a master overlay file, setting up temporary files in the interim. See column 3 lines 65-68. See column 5 lines 53-68 and column 6 lines 1-52. Note the updating and creation of a temporary record number in column 5 lines 52-60. Note specifically in column 6 lines 12-16 that the record number is then no longer necessary because the master tag serial number will be programmed and correlated. See then the rest of the discussion in column 6.

7. Regarding claim 4, in addition to the aforementioned, note that the EPL file containing the PLU descriptions is created. See column 2 lines 59-68 and column 3 lines 1-20 showing the creation of the tag serial number and file information.

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8. Regarding claim 5, this shows the same features as brought out in claims 3 and 4, and is rejected for the same reasons.

9. Regarding claims 6-9, these show the system for carrying out the steps of claims 3 and 4. In addition to the aforementioned, note the apparatus discussed in column 2 lines 45-60, column 3 lines 65-68, and column 4 lines 1-12.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Johnsen (5151684) shows an electronic inventory label and security apparatus.
- B. Houdou et al (5504475) show a pricing display system.
- C. Evans et al (5510602) show an electronic singage label system.
- D. Beaudry (5518329) shows an electrographic label printing system.
- E. Briechle et al (5632010) show a technique for communicatin gwith electronic labels in a price display system.

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Steve Sax, whose telephone number is (703) 305-9582. The examiner can normally be reached on M - F from 9:30 - 6:00 ET. If attempts to reach the examiner by

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telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached at (703) 305-3821.

12. Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [[matt.kim@uspto.gov](mailto:matt.kim@uspto.gov)]. All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Steve Sax, A.U. 2773